IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11400 of 2002

Between:

V. Sreenivasa Rao s/o. V. Atchutarao Yathaluru P.A.C.S. Yathaluru Venkatagiri Mandal, Nellore Dist.

... PETITIONER

AND

1 The Govt. of A.P. rep. by its Secretary, Cooperative Department, Secretariat,

Hyderabad.
2 The Commissioner & Registrar of Cooperative Societies, Gruhakalpa,

Nampally, Hyderabad.
3 The District Cooperative Officer, Nellore, Nellore Dist,
4 The Divisional Cooperative Officer/DRC Guduru, Nellore Dist.
5 Yathaluru Primary Agriculture Cooperative Credit Society, Yathaluru,

Venkatagiri Mandal, Guduru Division, Nellore Dist rep. by its President.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, one in the nature of Writ of Mandamus, declaring the action of the respondents in issuing the proceedings including farmulation or framing any bye-laws or amendments thereto as indicated in the impugned Memo.No.Rc.No. 116/2002/C, dated 27-2-2002 and consequential proceedings dt. 28-12-2002 issued by the 5th respondent society is illegal, arbitrary, capricious, irrational and against to the principles of natural justice and further direct the respondents to continue the petitioner in the 5th respondent society and continue to pay salaries

Counsel for the Petitioner: MR.B.KAMALAKARA RAO

Counsel for the Respondents 1 to 4: GP FOR COOPERATION & AGRICULTURE

Counsel for the Respondent No.5: None Appeared

The Court made the following order:

ORDER:

-

-

The petitioner is working as paid Secretary in the 5th respondent society. He questions the action of the society in fixing the salary pattern and salary in exercise of powers vests in it under Section 116-C of the Andhra Pradesh Cooperative Societies Act, 1964.

I have considered the similar contentions in WP.No.3171 of 2003 and batch and held that the writ petition against Primary Agricultural Cooperative Society, which is not a State within the meaning of Article 12 of the Constitution of India amenable to the writ jurisdiction of this Court and accordingly, dismissed the batch of writ petitions. Following the said judgment, the writ petition is dismissed, as the same is not maintainable. No costs.

_____

(V. ESWARAIAH, J)

September 10, 2004

Dsk

To

1 The Govt. of A.P. rep. by its Secretary, Cooperative Department, Secretariat,

Hyderabad.
2 The Commissioner & Registrar of Cooperative Societies, Gruhakalpa,

Nampally, Hyderabad.
3 The District Cooperative Officer, Nellore, Nellore Dist,
4 The Divisional Cooperative Officer/DRC Guduru, Nellore Dist.

5 Two CCs to GP For Agriculture, High Court Buildings, Hyderabad(OUT)

6 The President, Yathaluru Primary Agriculture Cooperative Credit Society,

Yathaluru, Venkatagiri Mandal, Guduru Division, Nellore Dist

7 Two CD Copies.